

**COUNCIL POLICY****CURRENT**

SUBJECT: DEVELOPMENT WITHIN AREAS OF SPECIAL FLOOD HAZARD  
POLICY NO.: 600-14  
EFFECTIVE DATE: December 12, 2000

**BACKGROUND:**

Development within areas of special flood hazard is unwise from a health, safety and general welfare standpoint. If property in a floodplain is elevated to avoid inundation the resulting effect is an increase in the water surface elevation in other areas of the floodplain. In the absence of FEMA regulations, the accumulated effect of development can increase the potential damage to other existing or proposed developments.

The National Flood Insurance Act of 1968 established the Federal Flood Insurance Program which provides subsidized flood insurance for all property owners providing that the local government institutes adequate land use and development control measures for preventing and reducing property damage from flooding. The City of San Diego, by Council Resolution, indicated its desire to qualify for the Federal Flood Insurance Program and, in 1973, adopted appropriate floodplain regulatory zoning consisting of the Floodway (FW) and Floodplain Fringe (FPF) zones.

**PURPOSE & INTENT:**

To promote the public health, safety and general welfare, and to minimize public and private losses due to flooding and flood conditions in specific areas by provisions designed to:

- a. Protect human life and health;
- b. Provide Environmental Protection consistent with related City requirements;
- c. Minimize expenditure of public funds for flood control projects;
- d. Minimize the need for rescue and relief efforts associated with flooding;
- e. Minimize prolonged business interruptions;
- f. Minimize damage to public facilities and utilities located in areas of special flood hazard.

**POLICY:**

It is the Council's policy to regulate development within Special Flood Hazard Areas in accordance with the requirements of the Land Development Code. It is also the Council's policy to consider all applicable criteria as stated herein, in addition to the requirements of the Land Development Code, when approving deviations from the floodplain regulations. This policy shall apply to all areas of special flood hazard within the City of San Diego.

**DEVIATION CRITERIA:**

Where a deviation from the Environmentally Sensitive Lands Regulations of the Land Development Code (Sections 143.0145 and 143.0146) is requested, the decision maker shall consider all relevant factors, all technical evaluations, and all standards provided by the City Engineer in addition to the following conditions:

- a. A deviation shall not be approved within any designated floodway if any increase in flood levels during the base flood discharge would result. (See Diagram 1, Floodplain Schematic in Appendix A of Council Policy 600-14).
- b. A deviation may be approved only upon:
  1. a showing of good and sufficient cause;
  2. a determination that the proposed deviation is the minimum necessary to afford relief from special circumstances or condition of land, not of the applicant's making;
  3. a determination that failure to grant the deviation would result in exceptional hardship to the applicant; and
  4. a determination that the granting of a deviation will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- c. A deviation may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- d. Any applicant to whom a deviation is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- e. In approving a deviation request the decision maker shall also consider the following factors:
  1. the danger that materials may be swept onto other lands to the injury of others;
  2. the danger of life and property due to flooding or erosion damage;
  3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  4. the importance of the services provided by the proposed facility to the community;
  5. the necessity to the facility of a waterfront location, where applicable;
  6. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  7. the compatibility of the proposed use with existing and anticipated development;

8. the relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
9. the safety of access to the property in time of flood for ordinary and emergency vehicles;
10. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
11. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

**HISTORY:**

Adopted by Resolution R-203632 09/02/1971

Amended by Resolution R-212811 03/13/1975

Reaffirmed by Council

Resolution R-214421 10/08/1975

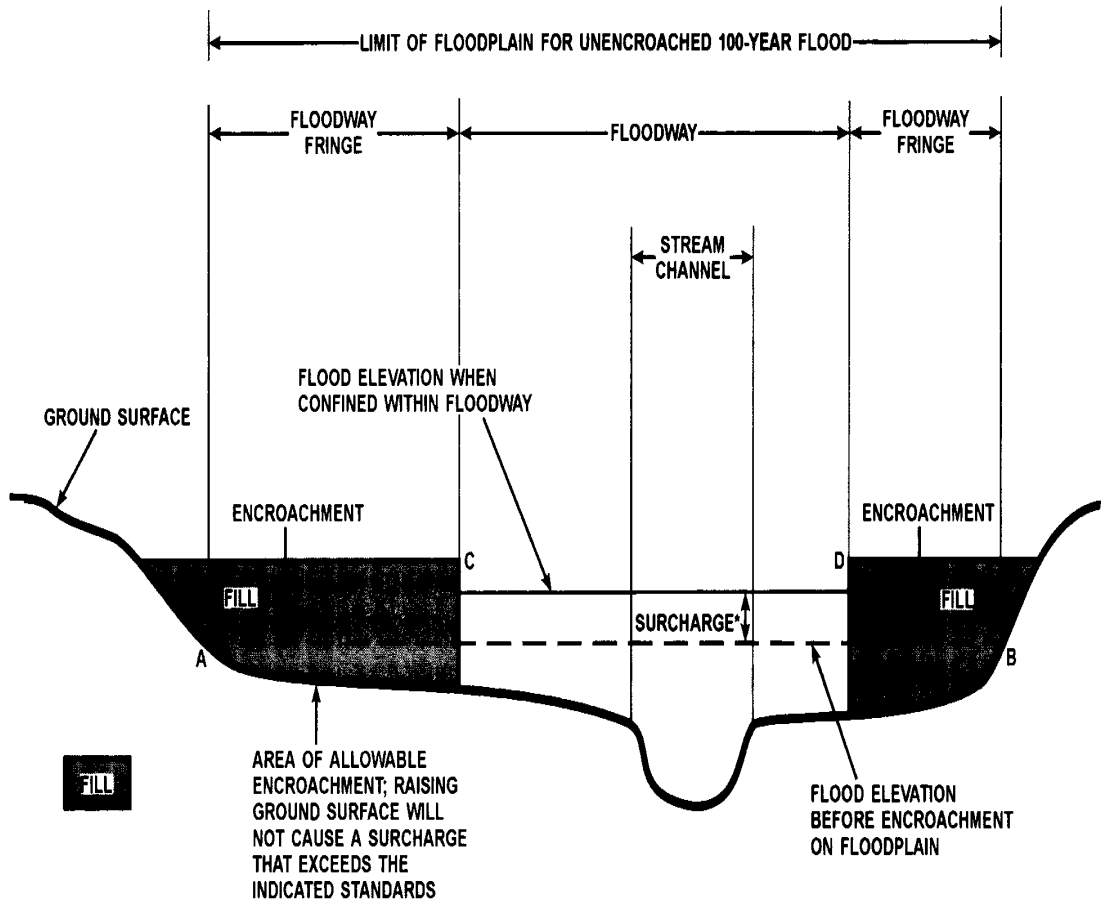
Amended by Resolution R-272880 02/14/1989

Amended by Resolution R-289515 12/02/1997

Amended by Resolution R-294394 12/12/2000

**COUNCIL POLICY****CURRENT****COUNCIL POLICY 600-14****APPENDIX A**

Diagram 1  
Floodplain Schematic



LINE A - B IS THE FLOOD ELEVATION BEFORE ENCROACHMENT  
LINE C - D IS THE FLOOD ELEVATION AFTER ENCROACHMENT

\*SURCHARGE NOT TO EXCEED 1.0 FOOT (FEDERAL EMERGENCY MANAGEMENT AGENCY REQUIREMENT) OR LESSER HEIGHT IF SPECIFIED BY STATE

Note:

Reproduced from the Federal Emergency Management Agency (FEMA), Sample Text of a Flood Insurance Study, issued August 19, 1998.